

NOT FOR PUBLICATION

(Doc. No. 4)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SEAN LATRAVERSE, individually and on :
behalf of all others similarly situated, :

Plaintiff, :

v. :

KIA MOTORS OF AMERICA, INC., :

Defendant. :

Civil No. 10-6133 (RBK/AMD)

ORDER

THIS MATTER having come before the Court upon the Motion to Dismiss filed by Defendant Kia Motors America, Inc. (“Kia”); and the Court having considered the moving papers and the response thereto; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that Defendant’s Motion to Dismiss is DENIED with respect to Plaintiff’s Breach of Warranty claim (Count I) and Violation of the Magnuson-Moss Act, 15 U.S.C. 2301, et seq., claim (Count III); and

IT IS FURTHER ORDERED that Defendant’s Motion to Dismiss is GRANTED with respect to Plaintiff’s Fraud and Violation of the Consumer Fraud Act claim (Count II).

Dated: 7/27/11

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge